Knoxville Weekly Chronicle.

RULE & RICKS, Publishers,

OFFICE: BROWNLOW'S OLD STAND,

Entrance on GAY STREET, East Side,

Between Main and Hill streets.

TERMS OF SUBSCRIPTION.

One copy, one year,	$2 00
One copy, six months,	1 00
Ten copies, one year,	17 50
Twenty copies, one year,	30 00

WEDNESDAY, OCT. 26, 1870.

SPEAKING AT CAMPBELL'S STATION.

Hon. Horace Maynard will address the people at CAMPBELL'S STATION on Wednesday, the 2d day of November, 1870. Let everybody turn out.

COL. W. F. PROSSER.

This gentleman is announced as a candidate for re-election to Congress from the Nashville District. Col. Prosser, during his service in Congress, has made for himself a reputation and a record of which he may well feel proud. Few men have ever accomplished as much for the people of Middle Tennessee in so short a time as did Col. Prosser.

WORK! WORK!!

It is now only three weeks until the election. Every Republican should go to work now and work until the polls are closed on the evening of the 8th of November. Let every man see if his neighbor is alive to the importance of this campaign. If every man who wishes to see Mr. Maynard re-elected to Congress will go to the polls, His majority will reach 3,000. Then let us go to work. Organize for victory!

THREE CHEERS FOR SOUTH CAROLINA.

South Carolina, once the strong hold—the hot-bed—of secession, comes forth redeemed and disenthralled by a grand, sweeping Republican victory. With nobody disfranchised and no "loyal militia" to frighten away honest (?) Democrats, the Republicans have elected their State ticket by TWENTY THOUSAND majority. The probability is that the entire delegation to Congress is Republican, including three colored delegates. More than two-thirds of the Legislature is composed of Republicans, which insures of the election of a Republican State Senator. Three cheers for redeemed, disenthralled, Republican South Carolina!

OUR CAMPAIGN RATES.

For the purpose of keeping the facts of this important and exciting canvass for Governor, Congress and the General Assembly before the people, we offer the DAILY and WEEKLY CHRONICLE during the campaign, and until full returns of the election are given, at the low rates given on the third page of our paper, to which we invite the attention of our readers. We urge our friends everywhere to get up clubs, so that the people may keep thoroughly informed as to what is new in the campaign. The rates are so low that the paper is within the reach of the poorest. No more effective way of arousing the people to the importance of the election can be found than in circulating our campaign paper.

"MAYNARD MUST BE DEFEATED."

Every number of the Nashville and Memphis papers that reach us contain some fling at our candidate for Congress. "Maynard must be defeated," say they one and all. The big leaders cry it out and the "oracle" and "organ" re-echo the battle cry. Well, we think the people of this Congressional district will have something to say on this point, and we predict will be anything but satisfactory to the Democrats of Middle and West Tennessee. We have no doubt but that if they had the power and if they didn't have a wholesome respect for the Congress of the United Sates, they would very soon decree Maynard's defeat. But the people of East Tennessee have been in the habit of *thinking and voting for themselves* and they propose to continue it.

THE LATE ELECTIONS.

Our Democratic contemporaries have been blowing a great deal about the late elections, and have pretended to give figures which are so grossly unreliable that we give the result just as it is.

Pennsylvania had in the 41st Congress 17 Republicans and 7 Democrats. The delegation recently elected to the 42d Congress stands: 13 Republicans, 1 Independent Republican, and 10 Democrats—a net gain to the Democrats of 3.

Ohio had in the 41st Congress 14 Republicans and 6 Democrats. The delegation now stands the same.

The Iowa delegation is entirely Republican, as it has been.

The Democrats gained one member from Indiana.

Altogether, this makes a net gain of 4. Of these four, most if not quite all were elected by less than 100 majority each. Allow the Democrats to gain in the same proportion in the States yet to vote that they have in these, and the Republicans will still have nearly two-thirds of the 42d Congress.

The last request of a Vicksburg girl was, "Bury me in a Pompadour waist, cut bias."

THE REBELLION IN A NEW PHASE.

We are informed that a very important decision was read in the Supreme Court on Thursday morning by Judge Nelson, in the case of Brazelton vs. Smith, in which questions of national interest and importance were argued and determined. We have been thus far unsuccessful in our efforts to see the decision and read it, and not having been fortunate enough to hear it, we must base the comments we now make upon what we learn from counsel in the cause and from those who heard it delivered.

The point decided, in brief, is that the rebel government was a government *de facto*, and that *its armies were in all respects entitled to the same rights and privileges as belligerents accorded to the armies of the Federal Government.*

We are informed by the wise man of the *Press and Herald*, "that the Court held that the government of the Confederate States, *as decided by the Supreme Court of the United States*, was a government *de facto*," and that its armies were entitled to all the rights and privileges of belligerents, recognized by the laws and usages of war, and the laws of nations.

The facts in the case decided, as we are informed, were that Smith, the defendant, as a rebel citizen, pointed out to the rebel armies the property of Brazelton, and was instrumental in having it taken. The jury below, upon the facts, found for the plaintiff, and judgment was rendered accordingly.

The Supreme Court reversed the judgment; declared, as we are informed, that Smith, as a citizen of the *de facto* rebel government, had the right to point out Brazelton's property to be seized: that the rebel army had a right to appropriate it, and that, generally, it had belligerent rights to do most anything it chose.

Such courts, in passing upon these questions, place the Federal Government at a disadvantage, for the Union armies, operating *under the Constitution*, are held strictly to *this court's view* of its restrictions, while the armies of the Confederacy, raised to overthrow the government, are, by some hocus-pocus reasoning, given unusual powers, stripped of all restraints and decided to be accorded all rights classed under the generic term belligerent—which, in fact, means just what military commanders choose to assume.

But we infer from the wise hints of our contemporary that this decision is to be passed off under the cloak of decisions pronounced by the Supreme Court of the United States. We are perfectly willing that this Court shall go as far as they choose in legalizing the rebellion, and they may place it even a niche higher than our own government, if they choose, but we protest most decidedly against shifting the responsibility for such a holding upon such an honorable Court as sits at Washington, by virtue of the authority conferred by the Constitution of the United States—an instrument we still respect, if some others do not.

But what has the Supreme Court of the United States said about the Confederacy being a *de facto* government. In the case of Thorington vs. Smith and Hartley—the Confederate money case—Chief Justice Chase said:

> There are several degrees of what is called *de facto* government. Such a government, in its highest degrees, assumes a character very closely resembling that of a lawful government. This is when the usurping government expels the regular authorities from their customary seats and functions, and establishes itself in their place, and so becomes the actual government of a country. The distinguishing characteristic of such a government is, that adherents to it in war against the government *de jure* do not incur the penalties of treason; and, under certain limitations, obligations assumed by it in behalf of the country or otherwise will in general be respected by the government *de jure* when restored.

After proceeding to instance the several grades of such governments, and particularly that of the Commonwealth of England under Cromwell, which he classes as a *de facto* government absolute, he says of the Confederacy:

> It is very certain that the Confederate Government was never acknowledged by the United States as a *de facto* government in this sense, nor was it acknowledged as such by powers. No treaties were made by it. No obligations of a national character were created by it binding after its dissolution on the States which it represented, or on the national government. From a very early period of the civil war to its close it was regarded as simply the military representative of the insurrection against the authority of the United States.

The decision of Mr. Nelson and his associates differs from every other of which we have heard, by recognizing the Confederacy as a *de facto* government in *its fullest sense*. In other words, it legalizes treason, and gives to the rebellion the character of a *successful revolution*—the character of a government that, in most respects, had the attributes and recognition of a *de jure* government. Such was not the case with the rebellion. It made no treaties; it had no official intercourse with foreign nations of a character accorded to *de facto* governments of the higher grade. In the confiscation case, at Richmond, of Catharine Keppell vs. the Petersburg Railroad Co., Chief Justice Chase said: "It cannot be maintained that levying war against the United States by persons however combined and confederated (even though successful in establishing their actual authority in several States) *would not be treason.*"

If that court had held the Confederacy a Government *de facto* of the grade Mr. Nelson assigns to it, Mr. Chase would not have so held in reference to treason. But under the decision of this court, as we gather it from attorneys, there could not only be no punishment for treason, but there could be no redress for the most outrageous acts of the many perpetrated in furtherance of its wicked designs. The inhuman monsters who deliberately starved and tortured to death the tens of thousands of Union soldiers at Andersonville could not be punished; the men who hung to the limbs of trees throughout East Tennessee, the brave unyielding Union men could not be harmed; the thieves and robbers who took from the widows and orphans of Union refugees their last morsel of bread could not be punished—no one who aided the rebellion either by loaning blood hounds to track the Unionists fleeing from oppression, or by conscripting those who remained at home, could be by law punished under this decision, provided it was done under color of the authority of some of its officers. This is the law as expounded by a court, nearly every member of which sits in defiance of an amendment of the Constitution of the land, and in the very face of its officers sworn to see that law faithfully executed. But such is not the view of the Supreme Court of the United States. In a recent case, brought by General Hickman, of Nashville, against the Judge, Marshal, Clerk and Jurors of a rebel court, held in North Alabama, under the Confederacy, in which he claimed damages for false imprisonment the Supreme Court at Washington held the action maintainable. Under the decision of which we complain, no such action could ever be sustained. The difference then in the two courts is a very marked one.

But there is another view of this decision worthy of consideration. If the Confederacy was a *de facto* government of the grade this decision assigns it, then in conquering it we conquered a *nation*. The conquerers of nations are entitled to the *rights of conquerers*, and must assume their responsibilities. One of these responsibilities would be to cancel all the debts of the rebel Government and to redeem its currency. The rights given to the Government over the property and lives of the adherents of the Confederacy, and over its local governments would be absolute and restricted only by a decent respect for the usages of civilized warfare.

If the Union people of East Tennessee are to have all their legal claims of every kind swept away at the dash of a pen by such a Court, we suppose the friends of the Court could not well object if they made claim to rights which in the other view, the decision gives them. If we are held bound to pay the debts of the Confederacy, we may claim the right to pay it out of the property of the people we have conquered.

As we said before, we do not make these comments with the advantage of having first read the decision, and in some respects we may be misinformed. If it shall so seem after a publication of the opinion, we will be prompt to make any correction proper. For the present, at least, we refrain from further comment.

THE CONFEDERACY IN ITS TRUE LIGHT.

The Supreme Court of the United States say distinctly in the General Hickman case that the Confederacy was entitled to belligerent rights only so far as it applied to it military officers. The court never extended to the civil department of the Government any such respectable recognition. It was only to mitigate the harshness of penalties incurred by those armed and attempting to overthrow it that belligerent rights were accorded to the military department of the insurgents. But along comes our State tribunal, and with a flourish of rhetoric and argument galvanizes the Confederacy, and gives to it a dignity and recognition never claimed for it by its most devoted partisans.

All this is done under the pretense that it is but in accord with precedents established by the highest legal tribunal on the continent. The claim is alike unfounded and unjust to the body referred to. It is true that in a very qualified sense the rebel government has been recognized as a *de facto* government. But it was so recognized only to save its adherents from the severer penalties inflicted by law upon men guilty of treason. The insurrection attained to such proportions that in subduing it the parent Government could not pursue the insurgents *personally* and deal with them *individually* as the law would warrant. The numbers to be dealt with made it necessary that the authorities at Washington should treat with them as an army entitled for the *time being* to the rights of belligerents. This is as far as the political or judicial departments of the general Government have ever gone. But our Supreme Court have gone very much farther. They have given to the military department a recognition much broader and significant than any ever given by the decisions to which we have referred and have accorded to the civil department a protection never before granted by any decision within our knowledge. They have in effect decided that the Confederacy was *a nation*, and unless we mistake it, a nation of equal dignity with our own.

We are informed that Col. Golladay was *not* one of the Court Martial that tried Haun and Harmon, as we stated on Sunday. We make this statement in justice to Mr. Golladay, though we had what we thought was *good authority* for our first statement.

THE TWO COURTS.

In commenting upon the decision of our Supreme Court upon the legal character of the Confederacy in the case of Smith vs. Brazelton, we said that the effort of the friends of the court seemed to be to give to the decision the sanction of the Supreme Court of the United States. We have read with some care the decision referred to, and find that impliedly the court itself claims the precedent of the decisions of the Supreme Court at Washington for its conclusions in this particular case. In the cause underconsideration, the court was not really called upon to pass upon all the questions argued in the opinion of Judge Nelson, and as is generally the case in opinions of great length, made up in great part of but the dictum of the court, we find it not always consistent with itself, or pertinent to the case under examination. But inasmuch as the opinion deals positively with the questions argued, we are disposed to take it as final, and as the mature judgment of its members upon the great questions presented.

We have said that in our judgment the decision conflicted directly and positively with the decisions of the highest known legal tribunal in the land, and we think we are fully prepared to maintain our position.

The Supreme Court of the United States in repeated cases has declared that the Confederacy was a *de facto* government of a low grade, *i. e.* that *for the time* during which its *military power* was supreme, it was accorded certain belligerent rights on the motives of humanity and expediency.

We deny that from any other consideration was it ever recognized as a belligerent power. We deny that it was ever recognized as a *de facto* government in any other respect by the United States or by foreign powers.

But, in the decision of Mr. Nelson and his associates they say:

> "Were it an original question, we would, without hesitation, declare that a government which assumed to form a Constitution, had a President and Cabinet in actual authority, a Congress that enacted laws on most subjects of national legislation, and published them in due form and enforced them; which was recognized as a belligerent power by two of the greatest nations on earth; was enabled to issue and keep afloat a currency; set on foot a navy that harrassed the commerce of the United States throughout the world; marshalled immense armies; fought great battles and kept the power of the United States at bay for four years was, *to all intents and purposes*, a *de facto* government, *and that it required no recognition on the part of the government of the United States to establish a* fact well known to millions of people, and which will be transmitted to future ages, in every truthful history that has been, or may be, written of the war."

Now read what the Supreme Court of the United States, in 7 Wallace, p. 200, says:

> "The rebellion out of which the war grew was without any legal sanction. In the eye of the law it had the same properties as if it had been the *insurrection of a county*, or smaller municipal territory, *against the State* to which it belonged. The proportion and duration of the struggle did not affect its character. *For the sake of humanity*, certain belligerent rights were conceded to the *insurgents in arms*. *But the recognition did not extend to the pretended government of the Confederacy.* The intercourse was confined to its military authorities. In no instance was their intercourse other than of this character. The rebellion was simply an armed resistance to the rightful authority of the sovereign. Such was its character in its rise, progress and downfall."

These extracts from the opinions of the two conflicting Courts show very conclusively that, while the one, in a grand rhetorical flourish, recognized the rebellion as a conflict of magnificent proportions, harrassing "the commerce of the United States throughout the world," &c., and "as a *de facto* government, *to all intents and purposes*," the other classed it as "simply an armed resistance to the rightful authority of the sovereign," and, as in *the eye of the law*, a rebellion of "the same properties as if it had been the insurrection of a county." They show, too, that while the one Court thought the *grand numbers and pageantry* of the hosts of treason, marshalled and active in their unholy war upon the Government, *added significance* and *something of respect* to *its character*, and made it a government "*de facto*, to *all intents and purposes*," the higher and abler Court decided that "the *proportions* and *duration* of the struggle *did not affect its character*;"

Some other comparisons between the *spirit* and *temper* of the decisions may not just now be out of place. Judge Nelson, in his decision, seems to argue at great length that the *de facto* character of the rebellion was something to which it was *entitled* because of the immense armies it marshalled, and because of the law of nations. In this view his court indignantly repelled the insinuation that "motives of humanity" entered in any way into the considerations that accorded to the insurgents belligerent rights. In their zeal and indignation, the court says:

> "It is granted in the Prize cases, that these rights were mutually conceded in the late civil war; and so much of the opinion in *Yost vs. Stout*, 4 Cold., 308, as assumes, or seems to assume, that belligerent rights were *accorded*, from motives of humanity and policy and as a concession by the government of the United States alone, is founded in error, or should be qualified by the statement that, soon after the commencement of the war the United States recognized it as a civil war, in which belligerent rights existed under the law of nations."

Now, what does the Supreme Court of the United States say upon this very question? 7 Wallace 230: "For the *sake of humanity* certain belligerent rights were *conceded to the insurgents in arms.*" Again, in the case of Thorington vs. Smith & Hartly, Judge Chase said: "It is to be observed that the rights and obligations of a belligerent were *conceded to it in its military character*, from *motives of humanity* and expediency by the United States." From this it would seem that Yost vs. Stout, a decision of the "old court" (the Radical court, if you please) was *not* founded in error and should *not* "be qualified." To the opinion itself we invite the attention of every intelligent reader, for it is one of great importance and interest. We believe it to be wrong in principle and calculated to work irreparable injury to the many thousand Union men of East Tennessee who, have been oppressed and outraged under the pretended authority of the rebellion, and for *this reason* we assail it. As to the members of the court, personally, we have no controversy. We deal only with the principles they promulgate and with the results to follow.

PREPARE FOR THE ELECTION.

The day for our Congressional and State elections is near at hand, and we desire, in anticipation of them, to say to our friends throughout East Tennessee that all we need to give us a glorious victory is that they should be active and vigilant. We have a clear majority in this Congressional district, and, relying upon that, we may be satisfied with but slight efforts. It is not only desirable that we should *elect* Mr. Maynard, but it is desirable that we should re-elect him by a *decided majority*. He has been bitterly assailed and pursued by the Democratic press throughout the State and the flat for his defeat has been decreed. Let our answer be three thousand majority.

We hope in all local elections for members of the Assembly, none but good men may be selected—men who will reflect credit upon the party and be of service to the people—and that for all such, a full vote be polled. The best thing to be done preparatory to the work on election day is *organization*. We hope that in every district and county an effort will be made to have working men at the polls on election day, to see that every vote is polled. If this is done, we will chronicle a decided victory on the 8th proximo.

THE FOURTEENTH AMENDMENT.

The people of the United States, after full deliberation, ratified an amendment to the Constitution first adopted by Congress, the provisions of which forbid any person, who, having at any time taken an oath to support the Constitution of the United States and afterwards gave aid and comfort to the rebellion, from holding office. This amendment has been thoroughly discussed and is fully understood. It is a part of the law of the land, and the people expect it to be enforced. The Government cannot afford to have it openly and defiantly annuled, and if it ever intends enforcing it, the members of this court who are obnoxious to it, after pronouncing the decision of Thursday are very fit subjects.

IN justice to Judge Andrews, we have to say to the insinuations of the *Press and Herald's contributor*, that he was not the author of the editorial article which appeared in these columns on Saturday, in reference to the decision of the Supreme Court. He never saw, read or heard anything in said article, until it was published.

We may furthermore state in this connection, that the proprietors of the CHRONICLE write *all its editorials* and assume all responsibility therefor. It is very natural that a sheet that is compelled to borrow brains of a lawyer from the rural districts to reply to our articles, should attempt to create the impresston that we labor under similar necessities.

The insinuation is only worthy of notice because it is an imputation upon the conduct of a gentleman, who, in all the controversies that have thus far arisen relative to his successors, has acted with entire propriety.

CLEMENTSON, the "fat man," of McMinn county, is canvassing in the lower part of this Congressional District, for the purpose of defeating Mr. Maynard. A correspondent of the *Whig and Register* speaks of him at Madisonville as showing up Mr. Maynard's iniquitous whisky law, &c. We should think that, after the showing up that Col. Baxter gave him, before the Railroad Investigating Committee, judging from his own testimony, wherein it appears that he has received more money than he can honestly account for, he is not the man to "show up" the "iniquitous" conduct of any man. His "showing up" is not likely to damage any one. We promise him a "showing up" before the ides of November which he will not relish.

COL. BLIZARD was evidently in an ill humor yesterday. In his rejoinder, he took occasion to speak of our candidate for the Senate, W. B. Staley, as having been a rebel, when, if he knows anything at all about the matter, he perverted the facts.

Mr. Maynard made about the speech at Kingston that he did here. Why didn't Col. Blizard make that charge against Mr. Staley where he has lived for more than ten years? Simply because he knew it would be disproved by Mr. Staley's neighbors, who have a right to know what his political opinions were during the war.

Imagine a more melancholy spectacle than a lot of hens trying to roost on a clothes-line.